



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,827	06/27/2003	Jon Christian Wolfe	P00711-US-01	8071
22446	7590	09/05/2006	EXAMINER	
ICE MILLER LLP ONE AMERICAN SQUARE, SUITE 3100 INDIANAPOLIS, IN 46282-0200			THOMASSON, MEAGAN J	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,827

Applicant(s)

WOLFE ET AL.

Examiner

Meagan Thomasson

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 5-12, and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowe et al. (US 2002/0103027 A1).

Regarding claims 1, 2, 6-12, and 16-20, Rowe et al. discloses a gaming system and method including a portable transaction device having “a display and at least one input device” wherein the portable transaction device is “capable of receiving and sending information over a wireless communication link”, (paragraph 0010, lines 4-6). Rowe et al. further discloses a communication network comprising a server and memory in paragraph 0035, and paragraphs 0084 and 0085 disclose a database containing player identification data, including player rating and comp data.

The bi-directional communication between the portable transaction device and the host server includes the ability to retrieve casino business data from the host server, update casino business data contained in the database, and communicate demands to the host server for execution, wherein said casino business data includes comp data for

Art Unit: 3714

a plurality of customers, as described in paragraphs 0016 and 0061. Paragraph 0016 states that "the user of the portable transaction interface may update a player's profile" and in addition "may obtain player identification information or profile information". Paragraph 0061 discloses the use of the portable transaction device to issue comps based on the comp data, stated as "the user may check on the availability of certain accommodation prizes. For example, when the game player has received an award for a room upgrade, the accommodation service interface may be used to check on the availability of a room and to make a room reservation." Further, "a gaming representative may use the accommodation service interface 130 in order to validate the player's award ticket and check on the availability of the award and institute the award", wherein the accommodation service interface refers to the portable transaction device.

In addition, Rowe et al. discloses the use of the portable transaction device as a means for inputting enrollment data about a casino customer desiring to enroll in a customer loyalty program in paragraph 0018, stated as "The portable transaction device may also be utilized to perform a variety of other player tracking related functions. For example, the portable transaction device may be used to enroll a player in the tracking or rewards system".

Regarding claims 5 and 15, Rowe et al. discloses the use of the wireless communication system described above, wherein said wireless communication system comprises a radio frequency communication system, stated as "the PTD 24 may communicate with a remote transaction server 160 via a wireless communication

Art Unit: 3714

interface including a spread spectrum cellular network communication interface" in paragraph 0054, wherein the term "PTD" refers to a portable transaction device. It is well known to those of ordinary skill in the art that a cellular communication network is an example of a radio frequency communication system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3, 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (US 2002/0103027 A1) in view of Horikawa (US 6,918,828 B2).

Rowe et al. discloses a gaming system and method including a portable transaction device having "a display and at least one input device" wherein the portable transaction device is "capable of receiving and sending information over a wireless communication link", (paragraph 0010, lines 4-6). Rowe et al. further discloses a communication network comprising a server and memory in paragraph 0035, and paragraphs 0084 and 0085 disclose a database containing player identification data, including player rating and comp data, wherein said communication network utilizes a radio frequency communication system. Rowe et al. does not disclose the use of an

Art Unit: 3714

infrared wireless communication system, nor does Rowe et al. disclose the use of an ultrasonic communication system.

Horikawa discloses a portable data transfer system and method for use in electronic gaming devices that may receive and transmit player information by means of ultrasonic, infrared, or radio frequency wireless communication means, stated as "communication means may comprise an infrared communication device which comprises an infrared light emitting diode, an ultrasonic communication device which comprises an ultrasonic transmitting and receiving part, a communication device which comprises an antenna etc. and transmits and receives in a form of an electric wave" in column 3, lines 13-19.

It is obvious to combine the teachings of Rowe et al. and Horikawa due to their similar subject matter, namely a system and method for the transmission of data related to the players of electronic gaming devices.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes:

- Yates et al. (US 6,935,957 B1) discloses a method and system for wireless validation of gaming vouchers.
- Boushy (US 6,183,362 B1) discloses a system and method for monitoring and recording player information.

- Adams et al. (US 7,025,674 B2) discloses a method and apparatus for awarding and redeeming promotional points at an electronic game.
- Rowe et al. (US 2001/0044337 A1) discloses a gaming system including portable gaming devices.
- Criss-Puszkiewicz et al. (US 6,722,985 B2) discloses a player tracking system.
- Paulsen et al. (US 6,712,698 B2) discloses a game service interface for player tracking and enrollment.
- LeStrange et al. (US 5,470,079) discloses a game machine accounting and monitoring system.
- Rowe (US 6,394,907 B1) discloses a cashless transaction clearinghouse featuring a wireless device.
- Rowe et al. (US 2002/0098888 A1) discloses a wireless gaming environment including a portable wireless device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
August 28, 2006



JOHN M. HOTALING, II
PRIMARY EXAMINER